



Appeal Decision

Site visit made on 17 January 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 08 February 2024

Appeal Ref: APP/X0360/W/23/3326997

Belamie Gables, 210 Hyde End Road, Spencers Wood, Wokingham RG7 1DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adam Heeroo against the decision of Wokingham Borough Council.
 - The application Ref 223802, dated 22 December 2022, was refused by notice dated 28 February 2023.
 - The development proposed is the erection of a part two storey front extension, part 1st floor rear extensions and single storey rear extensions to existing residential care home. With change to existing external staircase.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In their reasons for refusal, the Council set out that it had not been adequately demonstrated that the location of the proposed development could be safely accommodated having regard to the needs of the blue light services and the emergency off-site plan for the Atomic Weapons Establishment site at Burghfield.
3. However, during the appeal process, the appellant has submitted a business continuity emergency plan and although the Council consider that this needs further work, that this could be secured by the imposition of suitably worded conditions. The Office for Nuclear Regulation would also no longer object subject to the imposition of suitably worded conditions. I agree, and if in other respects the proposed development was acceptable, I am satisfied that this matter could have been addressed by the imposition of appropriately worded conditions.
4. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is a material consideration to this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework.

Main Issue

5. The main issue in this case is whether appropriate provision has been made for parking, turning and manoeuvring space and for emergency vehicle access.

Reasons

6. The proposal would result in the enlargement of the current residential care home from the existing 20 registered bedrooms (18 single rooms and 1 double room) to 27 single bedrooms of which 24 would have ensuite bedrooms.
7. I note that the Framework promotes the creation of high quality, beautiful and sustainable buildings and I have taken account of the significant benefits that the proposal would have including the proposed upgrade to the standard of accommodation, which would improve wellbeing, social interaction, better health outcomes, reduce loneliness and isolation, support local hospitals and create local employment opportunities.
8. However, it is essential that adequate parking arrangements are provided as an integral part of the proposed development. The proposed parking plan shows 16 car parking spaces. However, these are below the standard parking dimensions.
9. Although the appellant indicates that compliant spaces could be provided, that has not been satisfactorily demonstrated on the submitted parking plan. Moreover, there is lack of adequate information on the submitted plans about ambulance parking, visitor parking, cycle parking or the additional overflow parking outside the wall, but within the appellant's land boundary.
10. The appellant has provided some information about how some of these concerns could be overcome. For example, they have suggested that one space would be designated as a delivery ambulance space, certain spaces would be designated for visitors and another space could be designated for cycle spaces. However, the layout shown on the parking plan is already very tight and insufficient details have been provided to satisfy me that appropriate parking arrangements would be provided as part of the proposed scheme. It would not be appropriate to rely on overflow parking on the surrounding roads as this would result in unacceptable parking pressure and would cause inconvenience for both neighbouring residents, staff, and visitors of the appeal property.
11. Moreover, it is not appropriate at the appeal stage to make material changes to the parking plan or to try and ameliorate the situation by the imposition of conditions. Nor is it appropriate to cross reference previous applications for example to ascertain where the overflow parking would be located. Not least as interested parties, who may have wanted an opportunity to comment may not have been aware that overflow spaces outside the wall of the appeal property formed part of the proposed parking provision for this proposal.
12. Further, although I accept that sufficient space is available to provide access for an ambulance, inadequate information has been provided to demonstrate that there is adequate space for a fire tender and delivery vehicles to safely enter and exit the appeal site. In the event that there is inadequate space this would have an adverse impact on highway safety.
13. I therefore conclude that based on the available evidence insufficient information has been provided to satisfy me that appropriate parking provision or adequate turning and manoeuvring space for fire tenders or delivery vehicles would be provided. Consequently, the proposal would not comply with Policy CP6 of the Council's adopted Core Strategy Development Plan Document January 2010 and Policy CC07 of the Council's adopted Managing Development

Delivery Local Plan, February 2014, which among other things seek to ensure that development provides appropriate vehicle parking and does not cause highway problems.

14. The proposal would also be at odds with the Council's Borough Design Guide Supplementary Planning Document, June 2012 (SPD) SPD which seeks to ensure parking spaces accommodate cars satisfactorily.

Other Matters

15. I note that the appellant has expressed concern that the Council did not give him the opportunity to discuss any concerns it had or to provide further information in an attempt to address such concerns. However, I have determined the appeal on its individual planning merits and the conduct of the parties has not altered my view on the main issue.
16. I recognise that the failure of this appeal could affect the living arrangements for elderly and disabled existing and potential future residents. I have had due regard to the United Nations Convention on the Rights of Persons with Disabilities and the Public Sector Equality Duty (PSED) under the Equality Act 2010. Age and disability are protected characteristics to which the PSED applies. These rights are engaged in reaching my decision. However, they are qualified rights and interference may be justified in the public interest. The concept of proportionality is key.
17. I have found that insufficient details have been provided in relation to parking provision and other related matters that ultimately could lead to highway safety concerns. I have taken account of the benefits to existing and future residents, but these benefits have not outweighed my concerns.
18. As outlined, I have given consideration as to whether any conditions could be imposed to address my concerns but in this case that would not be appropriate. On that basis, given the potential impact the proposal could have on highway safety it is proportionate and necessary to refuse to grant planning permission. There will be no unacceptable violation of existing or potential future residents' human rights.

Conclusion

19. In summary, the proposal conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given and having had regard to all other matters raised, the appeal is dismissed.

S Rawle

INSPECTOR